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5 *Attorney for Jan Rouven Fuechtener*

6 **UNITED STATES DISTRICT COURT**

7 **DISTRICT OF NEVADA**

8 UNITED STATES OF AMERICA,

9 Plaintiff,

10 vs.

11 JAN ROUVEN FUECHTENER,

12 Defendant.

CASE NO.: 2:16-CR-100-GMN-CWH

**OBJECTION TO REPORT AND  
RECOMMENDATION #207**

13 Defendant herein, JAN ROUVEN FUECHTENER, by and through his attorney of record,  
14 KAREN A. CONNOLLY, of the law office of KAREN A. CONNOLLY, LTD., hereby submits this  
15 **OBJECTION TO REPORT AND RECOMMENDATION #207** pursuant to Local Rule 1B 301

16 (a.)

17 The magistrate in this matter has recommended that funds in the amount of \$975,300 from the  
18 sale of a residence at 7080 Donald Nelson Avenue, Las Vegas NV 89131 be held by the court  
19 pending defendant's sentencing. It was also recommended that if defendant is permitted to withdraw  
20 his guilty plea that the funds be released to F.A.J.R Magic trust. The magistrate indicated that  
21 defendant did not file an opening brief or response so the court understood that he was not taking  
22 a position. However, the court pointed out that defendant has previously objected to the seizure  
23 of the funds. Defendant did not file a supplemental brief because he had no additional information  
24 to add to his original objection #185.

1 POINTS AND AUTHORITIES

2 Defendant objects to the report and recommendation in regards to the seizure of the funds..  
3 The basis for the magistrate's decision is in large part made and based upon concessions made by  
4 defendant in the plea agreement which he will be seeking to withdraw. Defendant submits that the  
5 court has no authority to hold funds when he has not been adjudicated guilty of any crime.

6 The government asserts that funds should be held for payment to victims who come forward  
7 for restitution. Each is entitle to \$5,000. Only 14 victims have reportedly come forward to request  
8 restitution. Accordingly, Defendant submits this objection to Report and Recommendation (#207).

9 DATED this 18 day of July, 2017.

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11 **KAREN A. CONNOLLY, LTD.**

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of KAREN A. CONNOLLY, LTD., and on the 28 day of July, 2017, I served a true and correct copy of the above and foregoing *Objection to Report and Recommendation #207* via the CM/ECF system upon the following:

☒ by depositing the same in the U.S. Mail, First Class Mail, with postage fully prepaid, at Las Vegas, Nevada, addressed as follows:

Cristina D. Silva, United States Attorney  
Daniel D. Hollingsworth, United States Attorney  
Elham Roohani, United States Attorney  
Lisa Cartier-Giroux, United States Attorney  
Mark E. Woolf, United States Attorney  
Ivette A. Maningo, Attorney for Frank Alster (Interested Party)

  
an Employee of KAREN A. CONNOLLY, LTD.